

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 WILLIS BOYD ANNIS,

Case No.: 3:22-cv-00016-MMD-CSD

4 Plaintiff

Order

5 v.

6 PROSECUTORS OF DOUGLAS COUNTY,
7 et al.,

8 Defendants

9 Plaintiff's filings indicate that he is an inmate within the Douglas County Jail. He has
10 filed a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.)

11 The Local Rules of Practice for the District of Nevada provide: "Any person who is
12 unable to prepay the fees in a civil case may apply to the court for authority to proceed *in forma*
13 *pauperis* (IFP). The application **must be made on the form provided by the court** and must
14 include a financial affidavit disclosing the applicant's income, assets, and liabilities." LSR 1-1.
15 When an inmate seeks to proceed without prepaying the filing fee, in addition to filing the
16 affidavit, the inmate is required to submit a certified copy of the trust fund account statement (or
17 institutional equivalent) for the six-month period immediately preceding the filing of the
18 complaint. The statement must be obtained from the appropriate official at the prison or
19 detention facility where the inmate is or was confined. 28 U.S.C. § 1915(a)(2).

20 When an inmate brings a civil action IFP, the inmate is still required to pay the full
21 amount of the filing fee. The court is required to assess, and when funds exist, collect an initial
22 partial payment of 20 percent of the greater of: (A) the average monthly deposits in the
23 prisoner's account or (B) the average monthly balance in the prisoner's account for the six-

1 month period immediately preceding the filing of the complaint. Thereafter, whenever the
2 prisoner's account exceeds \$10, the prisoner must make monthly payments of 20 percent of the
3 preceding month's income credited to the prisoners account until the filing fees are paid. The
4 funds are to be forwarded by the agency having custody of the prisoner. 28 U.S.C. § 1915(b)(1),
5 (2).

6 The regular filing fee is \$402, consisting of the \$350 filing fee and a \$52 administrative
7 fee. If an inmate does not qualify for IFP status, he must pay the full \$402 filing fee. If the
8 inmate qualifies for IFP status, the \$52 administrative fee is waived, and the inmate will only pay
9 the \$350 filing fee over time.

10 Plaintiff did not utilize the court's IFP application form **for an inmate**. In addition, he
11 provided a "Commissary Item Order Form" which reflects a cash balance of -\$8.84; however,
12 this document does not reflect his average monthly deposits or average monthly balance, and it is
13 not signed by an authorized officer from the institution where he is housed.

14 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP
15 for an inmate. Plaintiff has **30 days** from the date of this Order to either file his completed IFP
16 application for an inmate, along with the required financial certificate, or pay the full \$402 filing
17 fee.

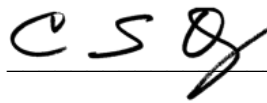
18 Once Plaintiff has filed his completed IFP application and financial certificate or paid the
19 filing fee, the court will screen the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) or 28 U.S.C.
20 § 1915A, or both. Both require dismissal of a complaint, or any portion thereof, that is frivolous
21 or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief
22 against a defendant who is immune from such relief. If the complaint is dismissed on screening,
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1 there will be no refund of the filing fee, and an inmate proceeding IFP is still required to pay the
2 \$350 filing fee over time.

3 If Plaintiff fails to timely file a completed IFP application for an inmate and financial
4 certificate or pay the filing fee, the court will recommend dismissal of this action without
5 prejudice.

6 **IT IS SO ORDERED.**

7 Dated: January 26, 2022

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9 Craig S. Denney
10 United States Magistrate Judge
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